IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 612 OF 2005

Nihal Ahmd. Moulavi Mohd.Usman & Ors. Petitioners.

Versus

State of Maharashtra & Ors..... ..... Respondents.

Mr. S.P.Halwasia with Mr. V. Verma i/by
M/s.Halwasia & Co., for the Petitioners.

Mr. Y. D. Mulani, AGP for Respondent Nos.1 & 2.

Mr. N. V. Walawalkar for the Respondent No.3.

Mr. C. j. Sawant with Mr. Vijay Patil for Respondent
Nos. 4 to 12 and 15.

CORAM : DALVEER BHANDARI, C. J. &
S. A. BOBDE, J.

DATED : FEBRUARY 11, 2005.

P.C. :

The petitioners have filed this petition with a prayer that the respondent No.2, the Divisional Commissioner, has refused to exercise powers vested in him under the Maharashtra Local

Authority Members Disqualification Act, 1986. The learned Counsel appearing for the Respondent State submits that the notice has been issued on 7th February, 2005 by the respondent No.2 under the Maharashtra Local Authority Members Disqualification Act, 1986. Hence this prayer does not survive any more.

2. Mr. Sawant, learned Sr. Counsel, appearing for respondent Nos.4 to 12 and 15, submits that election process for the election of Mayor and Deputy Mayor to be held on 18th February, 2005 has already started and he placed on record the election programme. In this view of the matter, it would not be proper to interfere in our extra ordinary jurisdiction at this stage.

3. This petition being devoid of any merit is dismissed.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.